

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated December 15, 2006. Claims 1-14 are pending in the present application. Claims 1-14 have been rejected. Claims 5 and 8 have been amended to address §112 rejections. Claims 1-14 remain pending. For the reasons set forth more fully below, Applicants respectfully submit that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

Claim Rejections - 35 U.S.C. §112

The Examiner has stated:

Claims 1, 5, 8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear and confusing as to what the claimed “the telephone provides a three-way call” (e.g., see claim 1, lines 5-6). According to the specification (page 4, lines 14-18), it teaches “the telephone 100 performs a flash-hook (i.e., going off hook), which initiates 3-way call through line 102 of the voice mailbox 4”.....when the voice mailbox 4” picks up again, the telephone joins the 3 parties.....”. The so called “3-way” call initiated by the telephone 100 is not a 3-way call; it is just an ordinary call from called party’s phone to the voicemail system. Such call enables the called party’s phone to have a call connection to the switch or the voice mail system. Note, when the telephone 100 tries to make a connection to the switch or the voicemail system, the incoming call from the caller has been routed to the voicemail system. Further, the specification fails to disclose any structure in the called party’s phone to perform call bridging feature. It is obvious that it is the switch 3” in Fig. 3 provides or bridges the caller’s call and the called party’s call for forming 3-way calls.

Thus, the claims miss characterizes the invention; the called party’s phone does not provide a 3-way call; the called party’s telephone just have a call connection to the voicemail system or the switch and that connection is bridged to the caller’s talk path.

Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase ‘the telephone’ on lines 3, 4 of the claim lacks sufficient antecedent basis because it appears that the phrase ‘the telephone’ should be ‘a telephone’.

Claim 8 is rejected for the same reason as discussed above with respect to claim 5.

Applicants respectfully submit that claims 1, 5, 8, and 11 comply with 35 U.S.C. 112, second paragraph. Page 4, lines 14-18, clearly states that “**the telephone 100** performs a flash-hook (i.e., goes off hook), which initiates **three-way call through line 102** of the voice mailbox 4”, the called party at telephone 100 and the calling party at telephone 1”, via step 304.” This is not merely an ordinary call from the called party’s phone to the voicemail system as the Examiner suggests, because the “**telephone joins the three parties** (calling party at telephone 1”, voice mailbox 4”, and called party at telephone 100), via step 306.” The Examiner also stated that the specification fails to disclose any structure in the called party’s phone that performs a call bridging feature. However, page 4, lines 1-9, of the specification discloses such a structure, specifically stating that the “telephone 100 allows the voice mail screening to take place” that the “telephone 100 would include an **algorithm therewithin for causing the telephone 100 to set up a three-way call** to allow for the voice mail screening operation.” This section of the specification also states that the algorithm may be implemented using “software on a chip” and that the “algorithm could be implemented using a CD-ROM, floppy disk or other type of computer-readable medium and that use would be within the spirit and scope of the present invention.”

With regard to claims 5 and 8, the phrase “the telephone” has been amended to read “a telephone” to provide antecedent basis.

Claim Rejections - 35 U.S.C. §102

The Examiner has stated:

Claims 1-14 are rejected as best understood in light of the 35 U.S.C. 112, first paragraph rejection under 35 U.S.C. 102(e) as being anticipated by Cannon et al (U.S. Patent 6,639,972).

Regarding claims 1, and 11, Cannon teaches a telephone system has a switching system for receiving a call from a calling party (col. 1, lines 33-41) and a voice mail system [i.e., voice mailbox] coupled to the switching system for receiving the call if a subscriber [i.e., called party] does not answer the call (fig. 1, step 12; col. 1, lines 22-41).

Further, Cannon teaches a telephone for receiving the call from the calling party (col. 1, lines 33-41), by leaving the called party's telephone handset going off-hook and joins the caller's talk path (col. 5, lines 8-10, 18-22), teaching of Cannon reads on the claimed "provides a three-way call between the calling party, the called party, and the voice mailbox". It is because, the examiner interprets this limitation as providing call connection from the called party to the voice mailbox and that call connection is bridged to the calling party's call by forming a 3-way call and Cannon teaches such feature on col. 5, lines 8-10, 18-22.

Cannon further teaches that the called party's telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox (fig. 1, step 17, fig. 2, step 45)...

Claims 5 and 8 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Cannon teaches receiving a call from a calling party by a voice mailbox (col. 1, lines 33-41).

Applicants respectfully disagree with the Examiner's rejections. The present invention provides a telephone system. In accordance with the present invention, the system includes a switching system for receiving a call from a calling party and a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call. The system also includes a telephone for receiving the call from the calling party, wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox, and wherein the telephone is capable of screening the calling party when the calling party is coupled to the voice mailbox. Cannon does not teach or suggest these features, as discussed below.

Cannon discloses a method for screening of an active voice mail message which enables real time monitoring by a subscriber to the voice mail system of incoming calls. Once the identity of the subscriber is established, the subscriber is presented with the option of screening an incoming message. A subscriber desiring to screen the message responds by activating a

predetermined key or sequence of keys to enter a listen-only mode for monitoring of the incoming message. The subscriber may then interrupt the message and take the call, continue listening to the incoming message, or terminate listen-only mode and simply permit the message to be stored for later retrieval. (Abstract).

However, Cannon does not teach or suggest the telephone, “wherein the telephone provides a three-way call between the calling party, the called party, and the voice mailbox, wherein the telephone bridges the call between the calling party and the voice mailbox,” as recited in independent claims 1, 5, 8, and 11.

The Examiner has referred to column 5, lines 8-10 and 18-22 of Cannon as teaching this feature. However, column 5, lines 8-10, merely states that the “system remains in listen only mode until the subscriber inputs a predetermined code to interrupt the active message (step 50) and connect to the call (step 52).” Nowhere does this section mention that the subscriber “provides a three-way call.” In fact, this section teaches that the subscriber inputs the predetermined code to “interrupt the active message” and “connect to the call.” This clearly *teaches away* from a “three-way call,” because when the subscriber connects to the call, the active message is already interrupted. Similarly, column 5, lines 18-22, of Cannon merely states that if “the subscriber’s telephone remains in the off-hook state (step 56), listen only mode continues until either the caller or subscriber terminates the call, or the subscriber interrupts the active message and connects to the calling party.” Nowhere does this section mention that the subscriber “provides a three-way call.” This section of also *teaches away* from a three-way call, because this section also teaches that the “subscriber interrupts the active message and connects to the calling party.”

Therefore, Cannon does not teach or suggest the cooperation of elements as recited in independent claims 1, 5, 8, and 11, and these claims are thus allowable over Cannon.

Dependent claims

Dependent claims 2-4, 6-7, 9-10, and 12-14 depend from amended independent claims 1, 5, 8, and 11, respectively. Accordingly, the above-articulated arguments related to claims 1, 5, 8, and 11 apply with equal force to claims 2-4, 6-7, 9-10, and 12-14, which are thus allowable over the cited reference for at least the same reasons as claims 1, 5, 8, and 11.

Conclusion

In view of the foregoing, Applicants submit that claims 1-14 are patentable over the cited references. Applicants, therefore, respectfully request reconsideration and allowance of the claims as now presented.

Applicants' attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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